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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,533	11/07/2001	Mark Maggenti	000211D6	9273
23696	7590	03/23/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714				NGUYEN, THUAN T
		ART UNIT		PAPER NUMBER
		2685		

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER

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Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/005,533	MAGGENTI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	THUAN T. NGUYEN	2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Remarks*

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Please disregard the previous office action.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As for claim 1-2, the claim language does not clearly show the steps why the communication device fails to response (a lack of response) a request from the controller whether to stay in the net, but the controller still reregistering the communication device to stay in the net. This gives a conflict concept and unreasonable response from the controller. In a same manner, same for claim 3, as for the reason why the communication requests for a point-to-point communication, then the controller provides “un-registering the communication from the net”, and then strangely, “allowing the user to engage in the point-to-point call” and later, again “reregistering the communication device to become a participant in the net”, with lacking a step of whether a request from the communication device or this is done automatically without the user’s consent or request. The rest of claims give similar concepts of conflict concepts and unreasonable responses from the controller, i.e., in simple terms, as the user request for communication, un-registering the user from the net, allow point-to-point communication, as

soon as it finish, re-registering the user back to the net; and even the controller do not receive the response from the user, re-registering the user to become a participant in the net (even if the user do not want to involve in the group communication, emphasis added).

***Claim Rejections - 35 USC 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

5. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ganuchea, Jr. et al. (U.S. Patent No. 6,529,740 B1).

Regarding claims 1-2, in addition to the rejection 112 2<sup>nd</sup> above and based on the understanding and teaching of Ganuchea, because the applicants do not clearly point out whether the communication is for point-to-multipoint (PTM) or point-to-point (PTP), and the use of term “registering”, “re-registering”, and “un-registering” cause confusing and lacking of clear steps (as noted above); however, these steps are disclosed by Ganuchea as Ganuchea teaches a communication system related to point-to-multipoint (PTM) and point-to-point (PTP), wherein point-to-multipoint PTM referring to a group communication as one user or one wireless communication device communicates to multiple of remote wireless devices, and point-to-point PTP refers to a conventional communication as one user or one wireless communication device

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communicates to another wireless one (see col. 2/lines 11-60). Then, Ganuchea discloses a controller (Figs. 2 & 3) for maintaining and switching the user request for communication from either PTM or PTP, while keeping in mind that the user or subscriber needs to register with the network for communication, those confusing steps from the applicants for registering, reregistering or unregistering simply referring to the authorization in switching or routing the correct or appropriate requests from the user to whether a point to multipoint (group communication or “registering to the net”) or to a point-to-point communication, which Ganuchea calls as “a monolog” (Figs. 1-5 & 6-7, and col. 4/line 10 to col. 5/line 24). Therefore, if the controller does not recognize or detect that the user is wishing to engage or request for a point-to-point communication, the controller still maintain the user within the net, meaning within the point-to-multipoint list, unless a detection for a point to-point is occurred (refer to the procedures of Figures 4-6 & col. 7/lines 1-53 for PTP).

As for claim 3, understood the concept of point-to-multipoint (PTM) and point-to-point (PTP) as discussed above, this limitation is met as Ganuchea allows the user or the wireless communication device to engage into a point-to-point communication by automatically switching (un-registering) the user from the group communication PTM or “the net” and allowing the device (registering) to communicate in PTP, and as soon as the PTP is terminated, switching the mobile device back to the group communication or PTM (as shown in Fig. 6, and col. 11/line 52 to col. 12/line to col. 14/line 14 for the entire process in switching).

As for claims 4-6, these claims for a computer readable medium applied a same method as disclosed in claims 1-3 are rejected for the reasons given in the scope of claims 1-3 as noted.

As for claims 7-9, Ganucheau further discloses these claims for a conventional communication device including a transmitter, a receiver, a memory unit, a processor, and a push-to-talk function (Ganucheau, Fig. 2, and col. 6/lines 5-37; and col. 11/lines 1-17 for requesting a token for push-to-talk button function-regarding also as a PTT device) and applied method of claims 1-3 are rejected for the reasons given in the scope of claims 1-3 as noted.

As for claims 10-11, these claims with same limitations are rejected for the reasons given in the scope of claims 1-3 and 7-9 for components of the mobile PTT device as noted.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Cassidy et al., Dailey, Hagerman et al., and Caronni et al. (in PTO 892 attached) disclose systems related to group communication and PTT function as well as point-to-point technique.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

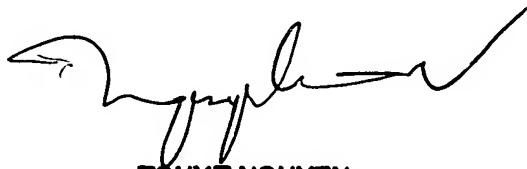
**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.



TONY T. NGUYEN  
PATENT EXAMINER

Tony T. Nguyen  
Art Unit 2685  
March 11, 2005